

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In Re DMCA Subpoena to
Cloudflare, Inc.
(Cloudflare.com)**

Plaintiff,

v.

Defendants.

CASE NO. 18-mc-36

DECLARATION OF CHARLES L. RIDDLE

I, Charles L. Riddle declare under penalty of perjury that the following facts are true and correct to the best of my information and belief:

1. I am the attorney for Offensive Security Limited / Offsec Services Limited, the party requesting the DMCA 512(h) Subpoena.
2. I am a member of Riddle Patent Law, LLC and am admitted to practice law in Pennsylvania.
3. On behalf of the client described above, I am seeking a subpoena pursuant to 17 U.S.C 512(h) to identify the persons infringing my client's copyrighted works.
4. The purposes for which the subpoena is sought is to obtain the identity of alleged infringers and the information obtained therefrom will only be used for the purpose of protecting rights under 17 U.S.C 101, et seq.

I, Charles L. Riddle, pursuant to 28 U.S. Code § 1746, declare under penalty of perjury that the facts stated herein are true and correct to the best of my information and belief.

Executed on January 28, 2018 in Chester County, Pennsylvania

A handwritten signature in black ink, appearing to be 'C. L. Riddle', with a large, stylized initial 'C' and 'R'.

By: s/Charles L. Riddle/
Charles L. Riddle, Esq. (PA 89,255)
434 Lackawanna Ave., Suite 200
Scranton, PA 18503
(570) 344-4439 p.
(570) 300-1606 f.
charles@charlesriddle.com

Riddle Patent Law

434 Lackawanna Ave., Suite 200
Scranton, Pennsylvania 18503

U.S. AND INTERNATIONAL
INTELLECTUAL PROPERTY
PATENTS, TRADEMARKS, COPYRIGHTS

CHARLES L. RIDDLE, ESQ.

FEDERAL CIVIL LITIGATION
DISPUTE RESOLUTION
AGREEMENTS & LICENSING

January 28, 2018

Via Hand Delivery

United States District Court
For the Eastern District of Pennsylvania
U.S. Courthouse
601 Market Street, Room 2609
Philadelphia, PA 19106-1797

LOCATIONS IN:
GREATER PHILADELPHIA &
LEHIGH VALLEY

18-mc-36

Re: Application for DMCA Subpoena

Dear Sir or Madam:

On behalf of my client, Offensive Security Limited. (hereinafter, "Offensive Security"), I respectfully request that the Clerk issue a subpoena pursuant to 17 U.S.C. § 512(h).

By way of background, Section 512(h) of the Digital Millennium Copyright Act provides that a "copyright owner or a person authorized to act on the owner's behalf may request the clerk of any United States District Court to issue a subpoena to a service provider for identification of an alleged infringer in accordance with this subsection." 17 U.S.C. § 512(h)(1). For a subpoena to be issued, Section 512(h) requires that a copyright owner file the following with the Clerk:

1. A copy of a notification described in Section 512(c)(3)(A);
2. A proposed subpoena; and
3. A sworn declaration to the effect that the purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting rights under this title.

Accordingly, attached for filing with the Clerk are Offensive Security's notification pursuant to Section 512(c)(3)(A), a proposed subpoena, and a sworn declaration. As Offensive Security has complied with the requirements of the statute, it asks that the Clerk pursuant to Section 512(h)(4) expeditiously issue and sign the

PHONE
(570) 344-4439

EMAIL
CHARLES@CHARLESLRIDDLE.COM

FAX
(570) 300-1606

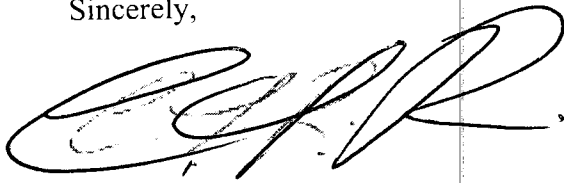
Page 2

Charles L. Riddle, Esq.
RIDDLE Patent Law

proposed subpoena and return it to Offensive Security (c/o undersigned counsel) for service on the subpoena recipient.

Thank you for your cooperation and prompt response in this matter. If you have any questions, I am reachable as noted below.

Sincerely,

A handwritten signature in black ink, appearing to read 'CLR', with a large, stylized 'R' that loops back. The signature is written over a vertical line that runs down the page.

Charles L. Riddle

encl.

PHONE
(570) 344-4439

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CHARLES@CHARLESLRIDDLE.COM

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Riddle Patent Law

434 Lackawanna Ave., Suite 200
Scranton, Pennsylvania 18503

U.S. AND INTERNATIONAL
INTELLECTUAL PROPERTY
PATENTS, TRADEMARKS, COPYRIGHTS

CHARLES L. RIDDLE, ESQ.

FEDERAL CIVIL LITIGATION
DISPUTE RESOLUTION
AGREEMENTS & LICENSING

January 28, 2018

Uploadgig.com / Uploadgig.org
Email: abuse@uploadgig.com

LOCATIONS IN:
GREATER PHILADELPHIA &
LEHIGH VALLEY

Justin Paine
Cloudflare
101 Townsend Street
Legal Department
San Francisco, CA 94107
Phone: 6503198930
Email: abuse@cloudflare.com

18 mc 36

Re: Infringements

Dear Service Provider(s):

We represent Offensive Security Limited (hereinafter, "Offensive Security"). We provide this notice pursuant to the Section 512 of Title 17 of the U.S. Code (as enacted by the "Online Copyright Infringement Liability Limitation Act") to request that you immediately take action with respect to infringements that are occurring by uploadgig.com at the addresses described on Exhibit A.

Based on the information available, we have a good faith belief that the material located on and/or being distributed or hosted from uploadgig.com is infringing Offensive Security's copyrights. The copyrighted works that have been infringed include those listed on Exhibit B.

The unauthorized copies and distribution thereof are identified by their titles or variations thereof. Such copies, links thereto, titles, listings, references, descriptions, depictions, and material that are the subject of infringing activities are hereinafter referred to as "Infringing Material."

Given the infringing activity, we urge you to cooperate with our efforts to protect Offensive Security's intellectual property rights and immediately do the following:

PHONE
(570) 344-4439

EMAIL
CHARLES@CHARLESLRIDDLE.COM

FAX
(570) 300-1606

Page 2

Charles L. Riddle, Esq.
RIDDLE Patent Law

1. Immediately take steps to disable access to and all of the Infringing Materials;
2. Notify any party who may have participated in reproducing or distributing the Infringing Material that their conduct was illegal and is subject to enforcement;
3. Take appropriate action against any responsible party under your Abuse Policy/Terms of Service Agreement, including termination of repeat offenders under Section 512(i) of Title 17 of the U.S. Code; and
4. In accordance with the Federal Rules of Civil Procedure, immediately preserve all information relating to or concerning service providers and users who have posted or accessed Offensive Security's copyrights / the Infringing Material.

I believe that the information in this notification is accurate. Under penalty of perjury, I hereby affirm that I am authorized to act on Offensive Security's behalf whose exclusive copyright rights I believe to have been infringed as described herein. By providing this notice, Offensive Security is not waiving its right to engage in other enforcement activities, and reserve all rights to do so at any time.

You or the account holder may contact me by email at charles@charlesriddle.com.

Thank you for your cooperation and prompt response in this matter.

Sincerely,



Charles L. Riddle

Encl.


PHONE
(570) 344-4439

EMAIL
CHARLES@CHARLESLRIDDLE.COM

FAX
(570) 300-1606

EXHIBIT A

EXHIBIT A



DATA LIFE ENGINE

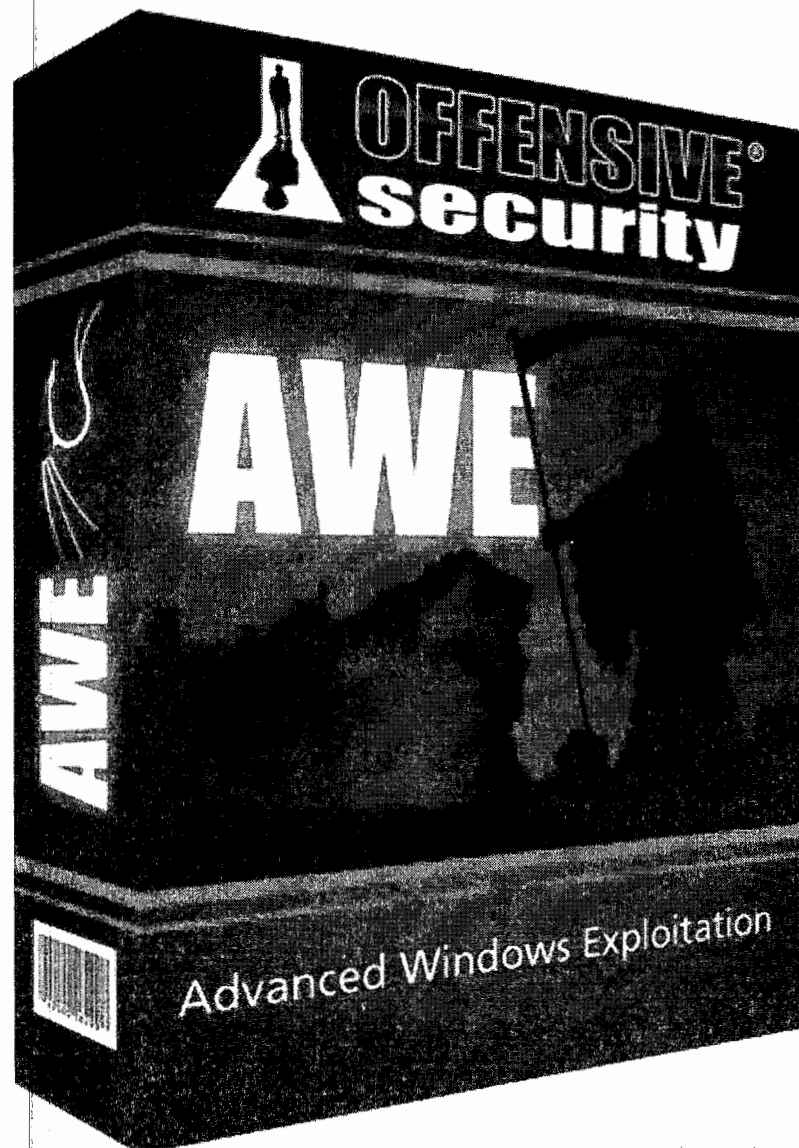
DATA LIFE ENGINE ENGLISH DOCUMENTATIONS

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Navigation Menu

OFFENSIVE SECURITY - AWE 1.1,2 - CTP - ASWP - PWB - PWK

Offensive Security - AWE 1.1,2 - CTP - ASWP - PWB - PWK



Offensive Security - AWE 1.1,2 - CTP - ASWP - PWB - PWK

English | Size: 2.95 GB

Category: Linux | Security

Offensive Security - 101

Offensive Security - AWE - Advanced Windows Exploitation 1.1

Offensive Security - AWE - Advanced Windows Exploitation 2.0

Offensive Security - CTP - Cracking the Perimeter 1.0

Offensive Security - OSWP - WiFu

Offensive Security - PWB - Penetration Testing with Backtrack

Offensive Security - PWK - Penetration Testing with Kali

Download link :

(If you need these, buy and download immediately before they are delete)

Uploadgig.com :

Rapidgator.net:

Links are Interchangeable - Single Extraction - Premium is support resumable

ziuziu 17-12-2017, 17:16

Tutorials 0

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Site Links



Comments (0)

Currently there is no comment for **Offensive Security - AWE 1.1,2 - CTP - ASWP - PWB - PWK**

BE THE FIRST TO ADD COMMENT! Please [Login](#) or [Register](#)



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This design will look weird on Microsoft Internet Explorer 9 but we don't support Internet Explorer 8 and older!



EXHIBIT B

EXHIBIT B

Exhibit B

1. Offensive Security Limited - [Cracking the Perimeter]
PA0002023674 - 2009
2. Offensive Security Limited - [Offensive Security Wireless Attacks - WiFu]
PA0002023678 - 2011
3. Offensive Security Limited - Penetration Testing with Kali Linux.
PA0001988989 – 2014
4. Offensive Security, LLC - Offensive Security Logo.
VA0001859517 - 2006

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

In re DMCA Subpoena to Cloudflare, Inc.

Plaintiff

v.

Defendant

Civil Action No.

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Cloudflare, Inc (Cloudflare.com)

Justin Paine, 101 Townsend Street, Legal Department, San Francisco, CA 94107

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: All identifying information for uploadgig.com / uploadgig.org, from any and all sources, including but not limited to billing or administrative records demonstrating the name(s), address(es), IP address(es), telephone number(s), email address(es), account number(s), and any other electronic or physical info. relevant to identifying the owner(s) / operator(s) of uploadgig.com / uploadgig.org.

Place: 1515 Market Street
Suite 1200
Philadelphia, PA 19102

*Attn: Riddle Patent Law, LLC
or by email
charles@charleslriddle.com

Date and Time:

02/12/2018 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Offensive Security Limited / Offsec Services Limited, who issues or requests this subpoena, are:

Charles L Riddle, Esq., 434 Lackawanna Ave., Scranton, PA, charles@charleslriddle.com, 5703444439

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.: _____

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.